

ORDINANCE NO. 2013-56

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS AMENDING CHAPTER 4 ALCOHOLIC BEVERAGES AND ORDINANCE NO. 82-73, AS AMENDED, THE COMPREHENSIVE ZONING ORDINANCE OF THE CITY OF GRAPEVINE, TEXAS, SAME BEING ALSO KNOWN AS APPENDIX "D" OF THE CITY CODE, BY PROVIDING FOR AMENDMENTS AND CHANGES TO ZONING REGULATIONS BY AMENDING SECTION 42 SUPPLEMENTARY DISTRICT REGULATIONS RELATIVE TO ALCOHOLIC BEVERAGES; PROVIDING A PENALTY NOT TO EXCEED THE SUM OF TWO THOUSAND DOLLARS (\$2,000.00) AND A SEPARATE OFFENSE SHALL BE DEEMED COMMITTED UPON EACH DAY DURING OR ON WHICH A VIOLATION OCCURS; DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS:

Section 1. That the Grapevine Code of Ordinances, Chapter 4 Alcoholic Beverages, is hereby amended in the following particulars, and all other sections, subsections, paragraphs, definitions, words and phrases of said Chapter are not amended but are hereby ratified, verified and affirmed:

- A. That Chapter 4 Alcoholic Beverages is hereby amended by amending Section 4-5 to read as follows:

"Sec. 4-5. On and off premise alcohol beverage consumption.

No individual or entity shall sell or serve alcoholic beverages for on-premises or off-premises consumption as holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption, except in a restaurant, cafe, cafeteria or eating establishment or on the premises of an individual or entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body.

"Restaurant, cafe, cafeteria or eating establishment" is herein defined as a business whose gross sales from food on an annual basis represent at least 50 percent of its total sales.

All holders of private club permits shall conduct their business in a manner that produces gross revenues on an annual basis from the sale of food that at least equals the gross revenues produced from the serving of alcoholic beverages. This paragraph shall not apply to any fraternal and veterans

organizations legally operating as the holder of a private club permit prior to the effective date of Ordinance No. 85-32 and shall not apply to the Benevolent and Protective Order of Elks Lodge No. 2483 operating or intending to operate a private club located or to be located at 224 North Main Street, Grapevine, Texas, providing that the Benevolent and Protective Order of Elks Lodge No. 2483 shall obtain all necessary permits required to operate such a private club and that the operation of such private club has commenced on or before October 18, 1986.

The party or entity operating the business shall, on an annual basis, file with the city secretary an affidavit showing gross receipts and sales of the business. The affidavit shall contain a breakdown between the gross food sales of food and the gross sales of alcoholic beverages. The party or entity shall also file with the city secretary on an annual basis, the gross receipts and figures furnished to the state for sales tax and alcoholic beverage tax purposes. This provision applies to both restaurant, cafe, cafeteria or eating establishment and to permittee of a federal or state agency."

Section 2. That Ordinance No. 82-73, the Comprehensive Zoning Ordinance of the City of Grapevine, Texas, same being also known as Appendix "D" of the City Code is hereby amended in the following particulars, and all other sections, subsections, paragraphs, definitions, words and phrases of said Appendix "D" and not amended but hereby ratified, verified, and affirmed:

A. That Section 42, Supplementary District Regulations is hereby amended by adding subsection B.3. to read as follows:

"3. With the exception of wineries and wine tasting rooms, no party shall sell or serve alcoholic beverages for on-premise consumption as the holder of a duly issued Texas Alcohol Beverage Commission permit allowing on-premise consumption except in a restaurant or on the premises of an entity whose principal business is transporting of the general public and is operating pursuant to a certificate of public convenience and necessity issued by a federal or state regulatory body with a Conditional Use Permit in accordance with and pursuant to Section 48."

B. That Section 42, Supplementary District Regulations is hereby amended by adding new subsections B.5. and B.6. to read as follows and renumbering the remainder of the subsection:

"5. The holder of a permit which allows for the sale of beer and/or wine only, shall not be permitted to offer any alcoholic beverage other than beer and/or wine on the subject property through any method, including but not limited to, catering.

6. Any party or entity within the "GV" Grapevine Vintage District or "CBD" Central Business District holding a State of Texas Alcohol Beverage Commission permit allowing for the off-premise consumption of wine shall be required to offer for sale, on the premises, wine by the bottle or case for purchase."


Section 3. That any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in a sum not to exceed Two Thousand Dollars (\$2,000.00) and a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

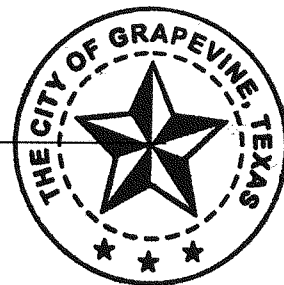
Section 4. That if any section, article, paragraph, sentence, clause, phrase or word in this ordinance, or application thereto any person or circumstances is held invalid or unconstitutional by a Court or competent jurisdiction, such holding shall not affect the validity of the remaining portions of this ordinance; and the City Council hereby declares it would have passed such remaining portions of the ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 5. That the fact that the present ordinances and regulations of the City of Grapevine, Texas, are inadequate to properly safeguard the health, safety, morals, peace and general welfare of the inhabitants of the City of Grapevine, Texas, creates an emergency for the immediate preservation of the public business, property, health, safety and general welfare of the public which requires that this ordinance shall become effective from and after the date of its final passage, and it is accordingly so ordained.


PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAPEVINE, TEXAS on this the 17th day of December, 2013.

APPROVED:

  
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William D. Tate  
Mayor



ATTEST:

  
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Tara Brooks  
Assistant City Secretary

APPROVED AS TO FORM:

A handwritten signature in dark ink, appearing to read "John F. Boyle, Jr.", is written over a horizontal line.

John F. Boyle, Jr.  
City Attorney